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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,305	03/12/2004	Takahiro Kume	742158-9	5795
25570 7590 01/22/2007 ROBERTS, MLOTKOWSKI & HOBBS P. O. BOX 10064 MCLEAN, VA 22102-8064			EXAMINER CHANG, VICTOR S	
			ART UNIT 1771	PAPER NUMBER
			MAIL DATE 01/22/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/798,305	KUME ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Victor S. Chang	1771	

All participants (applicant, applicant's representative, PTO personnel):

(1) Victor S. Chang, examiner. (3) \_\_\_\_\_.

(2) Thomas Cole, attorney. (4) \_\_\_\_\_.

Date of Interview: 17 January 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1.

Identification of prior art discussed: N/A.

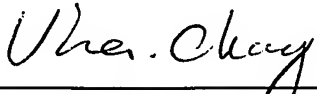
Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
\_\_\_\_\_  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner;  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicants proposed an amendment to claim 1 (see attachment) along with supports in the original specification, and inquire whether the proposal is sufficient to obviate the rejections under 112, 1st and 2nd paragraphs in previous Office action. The examiner agrees that the proposed amendment appears adequate for removing the previous 112 rejections. However, while a clear support for the proposed item e) has been provided, it appears to improperly compare a linear dimension (diameter) to a 3D volume. Applicants may wish to instead amend the claim for linear dimension, if a support can be found.

**Chang, Victor**

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**From:** Thomas Cole [Tcole@rmhlaw.com]**Sent:** Wednesday, January 17, 2007 2:03 PM**To:** Chang, Victor**Cc:** ??????????**Subject:** FW: Agreement Reached During Interview Held Jan. 17, 2007 Re: Appln. Ser. No. 10/798,305 and Sec. 112 Rejections

Examiner Chang:

In accordance with the agreement reached at the interview held today, I understand that the following amendment to claim 1 will obviate the rejections made thereto under Sec. 112, 1<sup>st</sup> and 2<sup>nd</sup> paragraphs:

1. (Currently Amended) A polishing sheet comprising:

a) an elastic plastic foam sheet,

b) wherein the elastic plastic foam sheet includes a surface layer having foam cells, and a polishing layer having foam cells, said polishing layer further having a polishing face disposed on one side of said surface layer that is allowed to wear away ~~in a direction opposite from said surface layer~~ by polishing,”

c) the polishing layer ~~has~~ having a thickness larger than a thickness of the surface layer, and

d) the polishing layer having an approximately uniform distribution of foam cells ~~both~~ in a direction of the thickness ~~and in a direction of the width~~ of the elastic plastic foam sheet, said foam cells formed in the polishing layer having an average space volume larger than an average space volume of ~~foams~~ foam cells formed in the surface layer,

e) wherein said foam cells formed in the polishing layer are interconnected by a network of continuous holes between said foam cells ~~whose~~ said network of continuous holes having an average space volume diameter ~~that~~ is substantially smaller than said average space volume of the foam cells formed in the polishing layer, and

wherein an average length of said polishing layer foam cells adjacent to said polishing face is less than half of said thickness of said polishing layer.

The letters a-e are not part of the claim, but have been added to make it easier to refer to the various parts of the claim.

As pointed out in my e-mail of yesterday, support for the amendments with respect to paragraph d) is expressly present on page 10, lines 10-15.

With respect to the proposed amendment to paragraph e), please refer to page 10, lines 11-13, which reads: "These foams 3 [in the polishing layer] are communicated so as to form a network by unillustrated continuous holes whose diameter is smaller than that of the space volume of the foams 3."

Please confirm that you are in agreement with the substance of this e-mail. I understand that such an amendment to the claims will necessitate an amendment to the specification wherein the term "foams" will be replaced with "foam cells".

Best regards,

Thomas W. Cole  
Reg. No. 28290